

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

2017 MAY -4 AM 9: 19

CLERK-LAS CRUCES

United States of America

v.

Larry Eduardo RIVERO

Case No: 17-1097 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of May 02, 2017 in the county of Luna in the State and District of New Mexico, the defendant violated § U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

engage in a conspiracy with others known and unknown to commit a violation of 8 USC 1324 (a)(1)(A)(ii) (Transporting), to wit: knowing or in reckless disregard of the fact that aliens, had to come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

On May 2, 2017, at approximately 4:30 p.m., a United States Border Patrol Agent (BPA) relayed over the service radio of a suspicious blue Dodge Sports Utility Vehicle (SUV) with one occupant traveling west bound on New Mexico State Road (NMSR) 9 near Mile Marker (MM) 104. An Agent, assigned near that immediate area, began to observe traffic. Minutes later, The Agent observed a vehicle matching the description of the vehicle traveling westbound towards his location. The Agent noticed at least two occupants in the vehicle which raised the Agent's suspicion as a possible alien smuggling scheme.

Continued on the attached sheet.

Jes Serna
Complainant's signature

Jesus Serna, Border Patrol Agent

Printed name and title

GREGORY B. WORMUTH
GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE

Printed name and title

Date: May 4, 2017

City and state: Las Cruces, N.M.

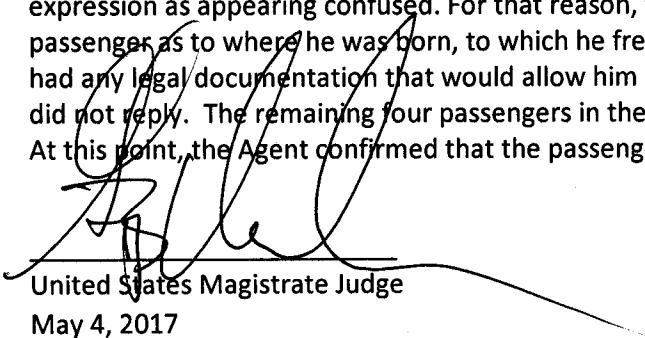
UNITED STATES DISTRICT COURT
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VS

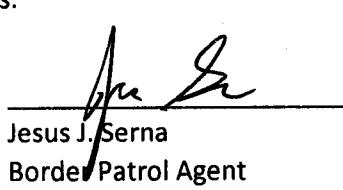
Larry Eduardo RIVERO

The Agent proceeded to follow the vehicle for further observation. NMSR 9 parallels the United States / Mexico International Border from the town of Santa Teresa, New Mexico to the village of Columbus, New Mexico and at certain mile markers, NMSR 9 travels within two miles from the border. NMSR 9 is a route notoriously used by smugglers to further their entrance of illegal contraband due to the fact there is no permanent checkpoint and because of a low presence of law enforcement. The area where the vehicle was encountered is located between the town of Santa Teresa, New Mexico and the village of Columbus, New Mexico and is considered to be a desolate area with mainly cattle ranches.

The Agent proceeded to run records checks on the vehicle, bearing New Mexico 682 SWF license plate, via Deming Station Law Enforcement Communication Assistant. Records checks returned to a 2015 Dodge Journey, blue in color. The registered owner return came back to a Larry RIVERO with an address out of Las Cruces, New Mexico. Recent trends in the Deming Border Patrol Station's area of responsibility, alien smuggling schemes involved vehicles with license plates registered out of Las Cruces, New Mexico. The presence of a vehicle traveling westbound on NMSR 9 with a registered owner out of Las Cruces, New Mexico is an indicator of suspicious activity. The most direct route for a person traveling west from Las Cruces, New Mexico, which is located in the area of Interstate 10 and Interstate 25 junction is to travel westbound on Interstate 10. Westbound traffic from Las Cruces, New Mexico is then inspected by the United States Border Patrol permanent Immigration Checkpoint located on Interstate 10 near MM 120. Taking NMSR 9 from Las Cruces, New Mexico would indicate the driver would have had to travel eastbound on Interstate 10 for approximately forty miles to the town of Santa Teresa, New Mexico. From Santa Teresa, New Mexico, the driver would have to travel on NMSR 9 approximately sixty miles towards the village of Columbus, New Mexico. The deliberate travel on NMSR 9 from the town of Santa Teresa, New Mexico, in this case, possibly traveling from Las Cruces, New Mexico, would allow a smuggler to circumvent the Interstate 10 Immigration Checkpoint. Having established the Agent's suspicion, the Agent activated his emergency lights and conducted a vehicle stop near the MM 92 to perform an immigration inspection on all occupants.

The Agent approached the vehicle and the Agent noticed multiple silhouettes indicating more than two individuals in the vehicle. As the Agent approached the driver's door and identified himself to the driver as a United States Border Patrol Agent. The Agent asked the driver, later identified as Larry RIVERO, if he had any type of identification to which he produced a United States of America Passport Card. The Agent asked RIVERO to lower the window located behind the driver. The Agent identified himself to the passenger sitting behind the driver as a United States Border Patrol Agent and questioned as to his citizenship in the English language. The passenger gave no response and made a facial expression as appearing confused. For that reason, the Agent transitioned to the Spanish language and questioned the passenger as to where he was born, to which he freely admitted to being born in Mexico. The Agent then asked if he had any legal documentation that would allow him to be in or remain in the United States legally to which the subject did not reply. The remaining four passengers in the vehicle were also Mexican nationals without legal documentation. At this point, the Agent confirmed that the passengers were illegal aliens.


United States Magistrate Judge
May 4, 2017


Jesus J. Serna
Border Patrol Agent
May 4, 2017

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VS

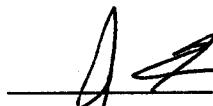
Larry Eduardo RIVERO

The Agents advised RIVERO, that he was being arrested for transporting illegal aliens. The Agents read RIVERO his Miranda Rights via the government issued Warnings to Rights Card at approximately 4:50 p.m. to which was witnessed by another Agent. All subjects were subsequently placed under arrest and transported to the Deming Border Patrol Station for further processing.

The Material Witness (M.W.) was presented with his Constitutional rights per Miranda and provided following non-verbatim statement. The M.W. stated he left Toluca (city in Mexico) by bus with a friend (who was also in the group). The M.W arrived in Juarez, then left Juarez in a car driven by an unknown subject to Palomas where he stayed in unknown hotel. The M.W said a guide (unknown name) showed him and the group where to illegally cross at the United States/Mexico international boundary. The M.W. said the guide told them to wait for a blue colored car (at an unknown mile marker by the highway). The M.W. advised they waited about 10 minutes till the blue car arrived. The M.W. said the guide had a cellular phone and was in communication with the driver of the vehicle, but was not sure if the guide was communicating by text or voice call as the guide would remove himself from the group when communicating with the driver. The M.W. said the driver of the vehicle did not say anything to him or the group, but did tell the group to remove the other clothing they were wearing when they entered the vehicle. The type of clothing worn by the group was for hunting. The M.W. was headed to Indiana and that his family in Indiana had made arrangements with unknown individuals for his travel/entry into the United States. The M.W.'s family would pay the individuals upon his arrival in Indiana. The M.W. did not know the amount to be paid and did not know where the driver of the blue vehicle would take him after picking him up on the highway. The M.W. saw the driver of the vehicle that transported him and the group. The M.W. described him as somewhat tall and fat, identifying subject previously identified as Larry Eduardo RIVERO. The M.W. was offered the opportunity and accepted to act as a Material Witness to testify in court against the driver.

While at the Deming Border Patrol Station, all subjects were processed accordingly. Homeland Security Investigations (HSI) Special Agent Gilbert Perez contacted AUSA Rene Camacho and informed her of the facts of the case. AUSA Camacho authorized prosecution of RIVERO. RIVERO was transported to Luna County Detention Center pending prosecution for 8 USC 1324 Transporting aliens.

United States Magistrate Judge
May 4, 2017


Jesus J. Serna
Border Patrol Agent
May 4, 2017